

Application No. 09/608,135  
Amendment dated June 28, 2004  
Reply to Office Action dated March 3, 2004  
Express Mail EV406652195US

Remarks/Arguments

The Office Action dated March 3, 2004, has been noted and its contents carefully studied. In light of the foregoing amendments, reconsideration of the rejection under 35 U.S.C. §103(a) is courteously requested.

In accordance with Applicants' invention, there is provided a method for collecting network usage data without associating personally identifiable information with the data (not the user). There is first obtained an identifier representing one or more users of the network. An anonymized identifier is created using the obtained identifier. Data being transmitted across the network is then collected and the anonymized identifier is associated with the collected data if the data is sent to or from one or more users to create a transaction record. The transaction record is then stored in a database.

In a different aspect as set forth in amended claim 14, the anonymized identifier is identified with a classification and the network transaction data is associated with an anonymized identifier in accordance with the classification.

In a yet still more specific aspect as set forth in new claim 27, the classification is at least one of a zip code, telephone area code, telephone exchange, a job function code, one from the group consisting of wireless, satellite, dialup, DSL and ISDN, and a geographical location comprised of at least one of the a Census block group code and a state.

It is respectfully requested that the invention as recited in the claims as now presented is not obvious under 35 U.S.C. §103(a) in light of the cited references, as will become more clearly evident from the following detailed discussion of the references presented herein for the Examiner's kind consideration.

"A Platform for Determining How People Value the Quality of Their Internet Access" by Rupp et al.

The reference entitled "A Platform for Determining How People Value the Quality of Their Internet Access" by Rupp et al. (hereinafter "Rupp") describes a platform designed to obtain a basic understanding of how individuals value Internet usage when offered different quality of service choices. Rupp teaches the use of a closed local system for user interaction and metering individual subject usage. User traffic is monitored and recorded at a fairly detailed

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level for both billing purposes and subsequent offline analysis. Apart from an anonymized user ID, time stamp, selected QoS/price information and a variety of TCP controlled data types, a database includes information about connection length, the amount of inbound and outbound traffic for the connection, source and destination IP addresses, port numbers, and other data describing the type of user activity. However, as will be appreciated from a detailed reading of Rupp, it fails to qualify the data based on the ID.

More specifically, Rupp describes a process to monitor attitudes of a group of users to varying levels of Internet access, which is the thrust of the experiment. The system allows users to change the quality of service provided. Service is varied by increasing or decreasing the bandwidth through which the users access the Internet.

As access level deteriorates or improves, the users are monitored for variations in attitude to the overall experience. In this regard, Rupp fails to teach or suggest the broad steps of Applicants' invention wherein data is collected as it is transmitted across the computer network, and associated with the anonymized identifier if the collected data is sent to or from one or more users to create a transaction record.

Yet still further, as now recited in amended claim 14, there is no teaching or suggestion in Rupp of the anonymizer identifier being identified with the classification. In a further aspect, as recited in new claim 27, there is also no teaching or suggestion in Rupp, alone or in combination with the other references of providing a classification which is at least one of a zip code, telephone area code, telephone exchange, a job function code, one from the group consisting of wireless, satellite, dialup, DSL and ISDN, and a geographical location comprised of at least one of the Census block group code and a state, wherein the network transaction data is associated with an anonymized identifier in accordance with such classification.

U.S. Patent No. 5,961,593 to Gabber et al.

U.S. Patent No. 5,961,593 to Gabber et al. (hereafter "Gabber") merely provides a proxy system that performs the function of automatic substitution of user-specific identifiers such that server sites within the network are prevented from determining the true identity of the user. The system of Gabber provides an automatic stripping of any other information associated with browsing commands that would allow the server sites to determine the true identity of the user

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browsing the server sites. Thus, every time a user accesses a website, the attributes of the user are masked while allowing the user the ability to navigate a website without allowing the website the ability to identify the user.

This adds nothing to the teaching of Rupp because there is no teaching or suggestion of keeping track of user transaction data as recited in Applicants' claims. As such, it is respectfully urged that the combination of Rupp and Gabber fails to render the invention claimed by Applicants' invention obvious under 35 U.S.C. §103. Further, it is respectfully urged that the interpretation of cited references has been done in an impermissible hindsight interpretation designed to arrive at Applicants' claimed invention after knowledge of the invention. One of ordinary skill in the art looking at the teachings of Rupp in combination with Gabber would not combine them in any construction without unobvious further modification outside their teachings to arrive at the claimed invention.

Document entitled "Census Geography"

The document entitled "Census Geography" (hereinafter "Census Geography") merely teaches a geography as a basic element of the Census Bureau system for organizing statistical data to the public. This has nothing to do with monitoring of computer network usage data, particularly as recited in claim 27 in various dependent claims wherein the usage data and anonymized identifiers are identified with a classification which includes zip codes, telephone area codes, telephone exchanges, job function code, one from the group consisting of wireless, satellite, dialup, DSL and ISDN, in a geographical location comprised of at least one of the Census block group code and a state. In fact, even if the teachings of Census Geography were properly applied, the only teachings therein is the use of geography and fails to teach, recognize or suggest that other factors can be useful in classification for the purposes of recording and classifying transaction data concerning the use of the Internet as is recited in Applicants' claims.

For the foregoing reasons, it is respectfully urged that the claimed invention is not taught or suggested under 35 U.S.C. §103 by the cited references, and that the application should be allowed.

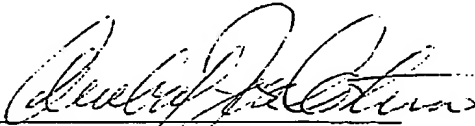
Application No. 09/608,135  
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The remaining cited but not applied references have been reviewed and are considered to be less relevant than the cited and applied. Thus, for the sake of brevity they will not be discussed further herein.

Nonetheless, should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite prosecution of the application, he is courteously requested to telephone the undersigned at the number listed below.

Dated: June 28, 2004

Respectfully submitted,



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Enclosures

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